

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff  
Investment Securities LLC,

Plaintiff,

v.

FEDERICO CERETTI, et al.,

Defendants.

Adv. Pro. No. 09-1161 (SMB)

**NOTICE OF APPEARANCE**

PLEASE TAKE NOTICE that Timothy P. Harkness, a member of the law firm of Freshfields Bruckhaus Deringer US LLP, duly admitted to the Bar of this Court, pursuant to section 1109(b) of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code") and Rule 9010(b) of the Federal Rules of Bankruptcy Procedure (the

“Bankruptcy Rules”), hereby appears as counsel for the Trust Defendants<sup>1</sup> in the above-captioned actions and requests that all notices, pleadings, motions, applications and other documents filed and/or served in these cases be served on the undersigned.

Neither this Notice of Appearance, the Trust Defendants’ reply memorandum of law in support of the Transferee Defendants’ Consolidated Supplemental Motion to Dismiss Based on Extraterritoriality, nor any subsequent appearance, pleading, claim, or suit is intended or shall be deemed to waive any right of the Trust Defendants, including, but not limited to: (i) final adjudication of the extraterritoriality issue by a District Court judge; (ii) final adjudication in other non-core matters only after *de novo* review by a District Court judge; (iii) trial by jury in any proceeding so triable herein or in any case, controversy or proceeding related hereto; (iv) withdrawal of the reference by the United States District Court in any matter subject to mandatory or discretionary withdrawal; and (v) any rights, claims, actions, defenses, setoffs or recoupments to which the Trust Defendants may be entitled under agreements, in law, or in equity, all of which rights, claims, actions, defenses, setoffs, and recoupments are expressly reserved hereby.

This Notice of Appearance, the Trust Defendants’ Reply Memorandum of Law on Extraterritoriality, and the Supporting Declaration of Andrew Witts, are submitted pursuant to the Court’s Order Concerning Further Proceedings on Extraterritoriality Motion and Trustee’s Omnibus Motion for Leave to Replead and for Limited Discovery,

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<sup>1</sup> The Trust Defendants are the Ashby Trust; the El Prela Trust; Alpine Trustees Limited (“Alpine”), individually and as trustee of the El Prela Trust; Port of Hercules Trustees Limited (“Port of Hercules”), individually and as trustee of the El Prela Trust; First Peninsula Trustees Limited (“First Peninsula”), individually and as trustee of the Ashby Trust; El Prela Group Holding Services Limited (“El Prela Holding”), Ashby Holding Services Limited (“Ashby Holding”), Ashby Investment Services Limited (“Ashby Investment”), and El Prela Trading Investments Limited (“El Prela Trading”). The Ashby Trust and the El Prela Trust are referred to together as the “Trusts.” Alpine, Port of Hercules, and First Peninsula are referred to collectively as the “Trustees.”

Dec. 10, 2014, ECF No. 156. As such, these submissions are made without in any way limiting, restricting or impairing any defense, right or argument that has been raised or could be raised by the Trust Defendants, including, without limitation, all defenses based on lack of personal jurisdiction. All such defenses, rights and arguments are hereby expressly preserved.

Dated: New York, New York  
September 30, 2015

FRESHFIELDS BRUCKHAUS  
DERINGER US LLP

By: /s/ Timothy P. Harkness  
Timothy P. Harkness, Esq.

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